

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

|   |   |                      |
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| In the Matter of                        | ) |                      |
|   | ) |                      |
| PETITIONS FOR TEMPORARY WAIVER OF       | ) | CC Docket No. 94-102 |
| DEADLINE BY WHICH DIGITAL WIRELESS      | ) |                      |
| SYSTEMS MUST BE CAPABLE OF              | ) |                      |
| TRANSMITTING 911 CALLS FROM TTY DEVICES | ) |                      |

To: The Commission

**COMMENTS IN SUPPORT OF PETITIONS  
FOR TEMPORARY WAIVER AND REQUEST FOR BLANKET RELIEF**

Rural Cellular Corporation (“RCC”), by its attorney and pursuant to Section 1.415 of the Commission’s rules, submits these comments in response to a Public Notice released March 19, 2002 (DA 02-640) which invited comments on several petitions by small, rural wireless carriers<sup>1</sup> (“Petitioners”) for a temporary waiver of the requirement that digital wireless service providers be capable of transmitting 911 calls using TTY devices. Through these comments RCC respectfully urges the Commission to act favorably on the waiver requests of the Petitioners, and to grant blanket relief of the same type to others such as RCC that are similarly situated or, in the alternative, establish a procedure for the filing and expedited processing of similar temporary waiver petitions.

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<sup>1</sup> Petitions for temporary waiver were filed on behalf of Enterprise Wireless PCS, Illinois Valley Cellular RSA 2-I Partnership, Illinois Valley Cellular RSA 2-II Partnership, Illinois Valley Cellular RSA 2-III Partnership, Missouri RSA No. 7 (d/b/a Mid-Missouri Cellular), and Public Service Cellular.

### **Introduction**

1. Through its subsidiaries RCC is engaged in the development, management, and operation of cellular and Personal Communications Services (“PCS”) systems in numerous rural and small metropolitan markets in the Midwest, Northeast, Northwest, and South regions of the United States.

At the present time the sole digital technology utilized by RCC in its wireless systems is Time Division Multiple Access (“TDMA”) technology. No change to RCC’s current TDMA operations, or overlay of another digital system, is planned or feasible in the time that remains before the June 30, 2002 deadline set by the Commission for wireless carriers to be capable of transmitting 911 calls from digital text telephone (“TTY”) devices.<sup>2</sup>

2. Each of the Petitioners is a TDMA carrier that operates in a rural market, similar to the markets where RCC operates. As explained in each petition, none of the carriers is able to meet the Commission’s June 30, 2002 due to lack of available TDMA TTY-compatible handsets. The Petitioners cited announcements by large wireless carriers such as AT&T and Cingular of plans to abandon TDMA technology in favor of another digital standard, and the resulting decisions by handset manufacturers to cease development of new TDMA handsets.

3. RCC’s interest in this matter derives from its similar need for an extension of time to

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<sup>2</sup> The deadline of June 30, 2002 for capability to transmit 911 calls from digital TTY devices was announced in the Commission’s *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Fourth Report and Order, 15 FCC Rcd 25216, 25218 (2000).

comply with the Commission's requirement concerning capability to transmit 911 calls from digital TTY devices. The issue raised by Petitioners is one that warrants attention on a broad scale rather than one that is limited in scope and of interest only to a small group of rural carriers.

**Rural Market Carriers Using TDMA as Their Exclusive Digital Technology Cannot Adapt to Industry Technology Changes Quickly Enough to Meet the Deadline**

4. The Commission's Public Notice invites comment on a select group of petitions. However, the critical circumstances supporting a temporary waiver for the Petitioners, as summarized in the Public Notice, state a case for a temporary blanket waiver for the Petitioners and all other wireless carriers that rely exclusively on TDMA network technology in any given market.

5. As explained by Petitioners, TDMA was commonly the only feasible technology choice in rural and small markets where adjoining larger markets were served by cellular carriers that had previously selected TDMA as their digital technology.<sup>3</sup> Small and rural market carriers found it necessary to follow the technology choice of their neighboring large carriers in order to permit seamless roaming and efficient wide-area services to customers of both carriers.

6. A wholesale abandonment of TDMA by certain large carriers in favor of other digital technologies has resulted in an apparent termination of TDMA handset product development. This is a circumstance beyond the control of RCC and the Petitioners, and is not a problem that can be circumvented without a wholesale network change-over. Any such transition will not be feasible in less than a 12-18 month period of time. RCC is presently examining all network alternatives, but

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<sup>3</sup> Examples of cellular carriers that deployed TDMA technology in the Metropolitan Statistical Areas include AT&T Wireless, Cingular and US Cellular.

has not yet made a decision on this multifaceted issue.

**Limited But All-Inclusive Relief is Needed for Affected TDMA Carriers**

7. The resources of the Commission and of wireless carriers would be most efficiently utilized if the Commission were to take official notice of the industry-wide problem faced by TDMA wireless carriers, and grant a blanket extension of the June 30, 2002 compliance deadline, until December 31, 2003. The relief should be available to all wireless carriers in all markets where such carriers rely exclusively on TDMA digital technology. The non-availability on a commercial basis of TTY-compatible TDMA handsets is a circumstance beyond the control of any particular wireless carrier.<sup>4</sup> Carriers within the scope of a blanket temporary waiver could be directed to file a certification of their eligibility for relief, and acknowledgment of agreement to any conditions associated with the grant of relief.

8. While blanket relief is deemed most efficient and appropriate under the circumstances, the Commission, alternatively, could grant the petitions of the Petitioners and announce a procedure for similarly situated wireless carriers to request an extension of time for compliance. RCC estimates that there are at least several dozen small and medium sized wireless carriers nationwide that rely exclusively upon TDMA digital technology. All such carriers could petition for temporary waivers of the approaching deadline, and cite the industry problems in obtaining and deploying

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<sup>4</sup> As Petitioners observed, 911 calls can be placed using analog TTY handset devices on all cellular systems.

TDMA TTY handsets that are capable of transmitting 911 calls.

**Conclusion**

9. The Petitioners have presented valid and persuasive reasons in support of the temporary extension of time they request to make available digital TTY handsets capable of transmitting 911 calls. The migration of large carriers to digital technologies other than TDMA has left all small and medium sized wireless carriers that rely exclusively on TDMA digital technology without a means to comply with the approaching June 30, 2002 deadline because there is no known source for supply of TTY- compatible TDMA handsets.

Accordingly, the Commission should grant to Petitioners the temporary relief they request, and grant blanket relief to the same extent to all similarly situated wireless carriers in all markets where they rely exclusively on TDMA digital technology.

Respectfully submitted,

**RURAL CELLULAR CORPORATION**

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